



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

HUMAN RESOURCES MANAGEMENT DIVISION-LAS VEGAS
4220 S. MARYLAND PARKWAY, BLDG. A, SUITE 100
LAS VEGAS, NV 89119-7528

July 21, 2014

OFFICE OF
ADMINISTRATION AND
RESOURCES MANAGEMENT-CINCINNATI

Mr. Christian Gebhardt

RE: Freedom of Information Act Request No. EPA-HQ-FOI- 2014-007793

Dear Mr. Gebhardt:

This letter is in response to your Freedom of Information Act (FOIA) request of June 30, 2014. I am enclosing all copies of the records to which you have requested.

Under the FOIA, you have the right to appeal this determination to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your appeal must be made in writing and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOIA number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning the documentation which has been provided, please contact Suzanne O'Connell, Lead Human Resource Specialist, at (702) 798-2417 or by email at oconnell.suzanne@epa.gov. Please provide your FOIA request number in all communications.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Elizabeth J. Engebretson".

Lizabeth Engebretson
Acting Director

OConnell, Suzanne M.

Subject: HR discussion
Location: Conference Call

Start: Mon 6/9/2014 1:00 PM
End: Mon 6/9/2014 2:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: OConnell, Suzanne M.
Required Attendees: Kenknight, Jeff

Jeff,

I will call you at 206-553-6641 to discuss/clarify some of the items the position review document. Let me know if you need a copy.

Suzanne

OConnell, Suzanne M.

Subject: HR Discussion
Location: Conference Call

Start: Fri 6/13/2014 9:00 AM
End: Fri 6/13/2014 9:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: OConnell, Suzanne M.
Required Attendees: Kenknight, Jeff

To discuss an HR issue. Please call me at 702-798-2417.

OConnell, Suzanne M.

From: OConnell, Suzanne M.
Sent: Wednesday, June 18, 2014 8:32 AM
To: Kenknight, Jeff
Cc: Engebretson, Lizabeth J.; Lucero, Anthony; Jimenez, Elaine
Subject: Position Review/Desk Audit memo for Chritian Gebhardt
Attachments: Position Review-Desk Audit-C Gebhardt.pdf

Jeff,

Attached is the final memo on Christian Gebhardt's position review/desk Audit. Please forward to Christian upon completion of your review. If either of you have any questions, please give me a call. Thanks.

Suzanne M. O'Connell

Human Resources Specialist
U.S. Environmental Protection Agency
Human Resources Management Division – Las Vegas
4220 S. Maryland Parkway, Building A, Suite 100
Las Vegas, NV 89119
Phone: (702) 798-2417 Fax: (702) 798-2416

OConnell.Suzanne@epa.gov

*****PRIVACY ACT NOTICE*****

Information contained in this message may be subject to the
Privacy Act (5 USC 552a) and should be treated accordingly.



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4220 S. MARYLAND PARKWAY, BLDG. A, SUITE 100
LAS VEGAS, NV 89119-7528

June 17, 2014

OFFICE OF
ADMINISTRATION AND
RESOURCES MANAGEMENT-CINCINNATI

SUBJECT: Position Review/Desk Audit Findings

FROM: Lizabeth Engebretson, Acting Director *Lizabeth Engebretson*
Human Resources Management Division—Las Vegas, OARM CI

THRU: Mr. Jeffery Kenknight, Supervisor
National Pollutant Discharge Elimination System Compliance Unit, Region 10

TO: Mr. Christian Gebhardt, Environmental Protection Specialist
National Pollutant Discharge Elimination System Compliance Unit, Region 10

On June 13, 2014 we finalized your request to review your position. We have completed our review of the materials submitted and here are the findings.

Desk Audit Findings

Mr. Gebhardt is currently classified as an Environmental Protection Specialist (EPS), GS-0028-12. Our review findings show that Mr. Gebhardt is properly classified, and is fully performing the duties of a GS-0028-12, Environmental Protection Specialist. To make this determination, we considered the following:

- Mr. Gebhardt's current position description (PD);
- The responses to specific questions from Mr. Gebhardt and Mr. Kenknight;
- The interview discussions with Mr. Gebhardt and Jeffery on the accuracy of his current PD and materials submitted for this review;
- Other similar positions within the NPDES Unit.

We also reviewed the current organization and reviewed the duties of all the current GS-12, Environmental Protection Specialist. Each of the EPS GS-12 positions is on the standard PD for the compliance unit and has similar duties.

With all the information provided it was found that you do perform duties at the GS-12 level. Using the information supplied to us in the desk audit, we compared the grade level criteria for an Environmental Protection Specialist at the GS-12 level would perform with that of an Environmental Protection Specialist at the GS-13 level. As outlined in the table below, the distinctions between the each grade

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level based on the information provided in the documentation and the interviews of both Mr. Gebhardt and Mr. Kenknight. We were not able to classify a PD for this position review and the following is based on the existing GS-12 PD of record as well as information provided both Mr. Gebhardt and Mr. Kenknight.

GRADE COMPARISON	
GS-12 GRADE CRITERIA	GS-13 GRADE CRITERIA
<p>KNOWLEDGE REQUIRED: The work at this level requires knowledge of program principles and procedures applicable to a wide range of duties in one or more program and/or functional areas, and a high level of skill in applying this knowledge in solving complex problems involving diverse aspects of environmental protection. <i>The information provided shows that Mr. Gebhardt has the knowledge of the seafood processing sector and aquaculture sector and regularly solves complex issues involving these 2 sectors.</i></p>	<p>KNOWLEDGE REQUIRED: The work at the GS-13 level requires a Mastery of program principles, concepts and practices to apply new techniques and theories to major problems not susceptible to treatment by accepted methods. This encompasses work that involves making decisions or recommendations "<u>significantly changing, interpreting or expanding important agency/national policies and programs</u>". The information provided for this review did meet this definition. <i>The work does not involve making any type of change to an agency/national policy.</i></p>
<p>SUPERVISORY CONTROLS The supervisor sets the overall assignment objectives, program emphasis, and resources available. The environmental protection specialist and supervisor, in consultation, develop the deadlines, projects, and work to be done. <i>During the interviews it was discovered that Mr. Gebhardt uses existing sector strategies to propose compliance inspections of facilities and vessels. The inspection schedule is reviewed and approved by his supervisor.</i></p>	<p>SUPERVISORY CONTROLS The supervisor makes assignments in broadly defined missions or functions and only provides administrative and policy direction. <i>During the interviews we discussed the existing sector strategies and determined that Mr. Gebhardt does not make significant changes to the strategies.</i></p>
<p>GUIDELINES Include administrative policies and precedents, agency regulations and laws are stated in general terms and the EPS uses initiative and resourcefulness in deviating from or refining existing methods. <i>Mr. Gebhardt explained that he uses the Clean Water Act, the 1995 interim CWA settlement policy, and inflation adjustment rules when performing compliance duties and drafting penalty adjustment memos. The guidelines are national policies and cannot be changed.</i></p>	<p>GUIDELINES Consist of broadly stated/nonspecific policy statements, statutes etc. and the EPS uses judgement and discretion in determining the intent and in interpreting and <u>revising</u> existing policies. <i>Mr. Kenknight explained during the interview that the guidelines that Mr. Gebhardt uses are national policies and cannot be changed or modified.</i></p>

<p>COMPLEXITY The work involves gathering information, identifying and analyzing issues, and developing recommendations to resolve substantive problems of effectiveness and efficiency of work operations in a program or program support setting. Work at this level requires the application of qualitative and quantitative analytical techniques that frequently require modification to fit a wider range of variables. Assignments typically involve the study of organizations, work processes, or functions that are interrelated. <i>Mr. Gebhardt is responsible for the aquaculture and seafood processing sector compliance. Assignments are interrelated and require the application of analytical techniques.</i></p>	<p>COMPLEXITY Assignments have very complex, controversial, and unconventional features; involve distilling national goals, objectives, and priorities; or involve developing material to supplement and interpret guidelines. The work requires originating new techniques, establishing criteria, or developing new information. <i>The work being performed by Mr. Gebhardt is standard and he is not developing new techniques or criteria.</i></p>
<p>SCOPE AND EFFECT The purpose of the work is to assess the productivity, effectiveness, and efficiency of program operations or to analyze and resolve problems in the effectiveness and efficiency of administrative support and staff activities. Work involves the evaluation of program effectiveness usually focuses on the delivery of program services at the operating level. Advises on changes to program administration in order to reduce or eliminate functional overlap among the agency's substantive programs. <i>Mr. Gebhardt performs compliance work in R10. He has proposed changes to regional programs in order to reduce inefficiencies.</i></p>	<p>SCOPE AND EFFECT The purpose of the work is to provide administrative guidance and the leadership necessary to resolve matters which are very complex, controversial, or which set general precedent; involve delicate coordination or negotiation of major consequence, or which entail prominent and fundamental matters with potential for far-reaching scope or impact. Studies, analyzes, and develops ways to improve the accuracy, adequacy, timeliness, and validity of data and systems for disseminating information about the agency's programs. <i>The work being performed by Mr. Gebhardt does not have far-reaching scope or impact. The work is limited to R10.</i></p>
<p>PERSONAL CONTACTS/PURPOSE OF CONTACTS Contacts include other agencies, contractors, private industry, and public groups, who are likely to embrace points of view and positions that differ from those of the Agency in fundamental ways. Their objectives are likely to differ from program requirements and there may be elements of an adversarial relationship or other obstacles to overcome. Purpose is to collect and exchange information, provide consultation on problems, defend proposed approaches, negotiating settlement of differences, and resolve problem areas or</p>	<p>PERSONAL CONTACTS/PURPOSE OF CONTACTS Contacts include other agencies, contractors, private industry, and public groups, who are likely to embrace points of view and positions that differ from those of the Agency in fundamental ways. Their objectives are likely to differ from program requirements and there may be elements of an adversarial relationship or other obstacles to overcome. Purpose is to collect and exchange information, provide consultation on problems, defend proposed approaches, negotiating settlement of differences, and resolve problem areas or</p>

controversies. <i>Mr. Gebhardt contacts companies to schedule compliance inspections and he may be required to defend the agency's decision to inspect a particular facility.</i>	controversies <i>Mr. Gebhardt contacts companies to schedule compliance inspections and he may be required to defend the agency's decision to inspect a particular facility.</i>
PHYSICAL DEMANDS Work is sedentary although some physical effort is required. <i>Mr. Gebhardt performs his work primarily in an office setting with occasional sites visits.</i>	PHYSICAL DEMANDS Work is sedentary although some physical effort is required. <i>Mr. Gebhardt performs his work primarily in an office setting with occasional sites visits.</i>
WORK ENVIRONMENT Work environment is in a typical office setting with <u>occasional</u> exposure to sites. <i>Mr. Gebhardt and his supervisor agreed that he visits compliance sites like seafood processing facilities/vessels 3-4 times a year. He is required to wear a hard hat and boots, but no respirator or other special equipment.</i>	WORK ENVIRONMENT Work environment is in a typical office setting with <u>occasional</u> exposure to sites. <i>Mr. Gebhardt and his supervisor agreed that he visits compliance sites, like seafood processing facilities/vessels 3-4 times a year. He is required to wear a hard hat and boots, but no respirator or other special equipment.</i>

What's Next?

Your current PD does not accurately reflect your current duties and responsibilities. Your current PD is a standard set of compliance duties developed in Region 10 and was not properly classified by the Human Resources Specialist signing the coversheet. We will be recommending that your supervisor update your current PD to accurately describe your current duties and prepare a package to reassign you to the new PD for an Environmental Protection Specialist, GS-0028-12. The decision to reassign you to a new PD will be determined by your supervisor.

Appeal Rights

You have a right to appeal any or all components of the classification of your position. You may submit your appeal to the agency, or you may appeal directly to the Office of Personnel Management (OPM). If you appeal to the agency and are dissatisfied with the agency decision, you may further appeal to OPM in order to obtain another classification review. If you elect to appeal to OPM first, your forfeit your right to appeal to the agency because an OPM decision takes precedence over an agency ruling.

Appeals to the agency should be addressed to:

U.S. Environmental Protection Agency
 Director, Office of Human Resources (Susan Kantrowitz)
 Mail Code 3600A
 1200 Pennsylvania Avenue, NW
 Washington, DC 20460
 (202) 564-4606

Appeals to OPM should be addressed to:

San Francisco Federal Building
90 Seventh Street, Suite 13-300
San Francisco, CA 94103-6714
(415) 281-7050

A classification appeal must be in writing and must include the following information:

- a. Your name, mailing address and office telephone number;
- b. The name of your agency and identification of your location within the agency;
- c. Your supervisor's name and office telephone number;
- d. A copy of your official position description; and
- e. An explanation as to why you believe your position to be improperly classified. You should review the applicable position classification standards in preparing your explanation.

The accuracy of your official PD, including the inclusion or exclusion of a major duty is a non-appealable issue. If you believe your PD to be inaccurate, you must review this matter with your supervisor. If agreement cannot be reached, you may pursue the issue through either the administrative or negotiated grievance procedure, whichever is applicable in deciding an appeal, the agency or OPM will make its decision based on the actual duties and responsibilities assigned to and being performed by you, not the accuracy of the PD.

Questions?

If you have any questions concerning the desk audit, contact Suzanne O'Connell, at 702-798-2417 or occonnell.suzanne@epa.gov and she would be happy to assist you.

CC: Tim Hamlin
Terry Conover

7/18/2014

Page 1

Report ID:EPAROSOR

Run Date Time:05/01/2014 01:36:15

Organization Roster

As Of: 01-MAY-2014

AASHP = 99R10 / Org Codes: 00000000 - 99999999

ORG CODE	DEPT NAME	LAST NAME	FIRST NAME	MIDDLE NAME	EMPLOYEE ID	TITLE	PP	SERIES	GRD	POSN NUM	SPV	BUS CODE
91043006	NPDES Compliance Unit	COOL	RICHARD	P		Environmental Engineer	GS	0819	13	00070628	8-All Other Positions	1361
91043006	NPDES Compliance Unit	DAVIS	DIANE			Environmental Protection Specialist	GS	0028	12	00016428	8-All Other Positions	1361
91043006	NPDES Compliance Unit	DEMARIA	EVA	C		Environmental Protection Specialist	GS	0028	13	00018483	8-All Other Positions	1361
91043006	NPDES Compliance Unit	ERICKSON	STACEY	S		Environmental Protection Specialist	GS	0028	11	00070380	8-All Other Positions	1361
91043006	NPDES Compliance Unit	GEBHARDT	CHRISTIAN	F		Environmental Protection Specialist	GS	0028	12	00016342	8-All Other Positions	1361
91043006	NPDES Compliance Unit	GRANDINETTI	ROBERT	J		Environmental Engineer	GS	0819	13	00017305	8-All Other Positions	1361
91043006	NPDES Compliance Unit	KENKNIGHT	JEFFERY	W		Supv Environmental Protection Spec	GS	0028	14	00002211	2-Supervisor or Manager	8888
91043006	NPDES Compliance Unit	MARTICH	TARAANN			Ecologist	GS	0408	13	00001813	8-All Other Positions	1361
91043006	NPDES Compliance Unit	PARK	CHAE	J		Environmental Engineer	GS	0819	13	00017306	8-All Other Positions	1361
91043006	NPDES Compliance Unit	POTOKAR	STEVEN	S		Environmental Scientist	GS	1301	13	00032786	8-All Other Positions	1361
91043006	NPDES Compliance Unit	SCHRUHL	DEREK	R		Environmental Scientist	GS	1301	12	00072208	8-All Other Positions	1361
91043006	NPDES Compliance Unit	SPAULDING	KATHRYN	T		Environmental Scientist	GS	1301	13	00052617	8-All Other Positions	1361

ORG TOTAL:

12